

# HOUSE JOURNAL

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SEVENTY-EIGHTH LEGISLATURE, FIRST CALLED SESSION

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## PROCEEDINGS

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FIRST DAY — MONDAY, JUNE 30, 2003

In obedience of the proclamation of His Excellency, Rick Perry, Governor of the State of Texas, convening the 78th Legislature, First Called Session, to meet in special session at Austin, Texas, the seat of government, on this the 30th day of June 2003, the members of the House of Representatives assembled in the hall of the House of Representatives, and at 10 a.m. the house was called to order by the Honorable Tom Craddick, speaker.

The roll of the house was called and a quorum was announced present (Record 1).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Bohac; Nixon; Pitts; Solis; Wilson.

Absent — Hilderbran.

The invocation was offered by Dea Eggleston, pastor, Berkeley United Methodist Church, Austin, as follows:

Most great and grace-full spirit, we invite your presence to come among us and fill us with grateful awe. In preparation for the administering work of this body, we give thanks for this day, for our leaders gathered here, and for the opportunity to serve together with the creative spirit you have instilled in each one. Bless these women and men—that their hearts and minds be open to seek

the truth, to work with honor, and to persevere with hope. In your wisdom, guide them to listen, to speak, and to act with the power of humility and courage of conviction. Remembering that while you gift us with diversity, underneath our differences, we are all neighbors striving for safe, healthy, and peaceful communities—where we may live, learn, and grow together in mutual care and concern—in our cities, our state, our nation, and our world. May the work done here be a creative process that inspires such a vision—for the good of all people—so that our lives may truly be a blessing to each other. Amen.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business in the district:

Bohac on motion of Van Arsdale.

Solis on motion of Uresti.

The following member was granted leave of absence for today because of important business:

Pitts on motion of West.

The following member was granted leave of absence for today because of a death in the family:

Nixon on motion of Van Arsdale.

The following member was granted leave of absence for today because of legislative business:

Wilson on motion of Keel.

### **PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS**

The speaker laid before the house and had read the following proclamation by the governor:

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

WHEREAS, federal law requires state legislatures to redraw congressional district lines after each decennial census; and

WHEREAS, the Texas legislature has not drawn new district lines to reflect the changes in Texas population since the results of the last census were released; and

WHEREAS, the people have placed the power to call and convene the legislature into special session in the hands of the Chief Executive Office of the State;

NOW, THEREFORE, I, RICK PERRY, GOVERNOR OF THE STATE OF TEXAS, by the authority vested in me by Article IV, Section 8, of the Texas Constitution, do hereby call a special session of the 78th Legislature, to be convened in the city of Austin commencing at 10 a.m., Monday, the 30th day of June, 2003, for the following purpose:

To consider legislation relating to congressional redistricting.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereto signed my name and have officially caused the Seal of the State to be affixed at my Office in the City of Austin, Texas this 21st day of June, 2003.

Rick Perry  
Governor of Texas

(SEAL)  
Gwyn Shea  
Secretary of State

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Casteel who presented Dr. Beverly Nuckols of New Braunfels as the "Doctor for the Day."

The house welcomed Dr. Nuckols and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of illness:

Allen on motion of Haggerty.

### **HR 3 - MOTION TO SUSPEND RULES (by Turner)**

Representative Turner moved to suspend all necessary rules to take up and consider at this time **HR 3**.

The motion was withdrawn.

### **HR 1 - ADOPTED (by Hughes)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 1**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1**, Honoring Myra L. Rachell of Tyler on her retirement from the United States District Court, Eastern District of Texas.

**HR 1** was adopted without objection.

### **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Redistricting, 2 p.m. today, E2.036, for a formal meeting, to consider information gathered at the outreach hearings last week and any process issues related to the public hearing on the bill.

**PARLIAMENTARY INQUIRY**

REPRESENTATIVE NAISHTAT: Mr. Speaker, I have a parliamentary inquiry.

MR. SPEAKER: State your inquiry.

NAISHTAT: During the regular session, the redistricting committee held hearings here in Austin. Hundreds and hundreds of people from Austin, Central Texas, and surrounding areas came and testified. My question is, will that testimony be included in the congressional redistricting proceedings that began recently and that will go on during this special session? Many of these people are concerned that their testimony will be disregarded, and I would like to assure them that the hours and hours that they spent and the miles and miles that they drove will not be for naught, and that their testimony concerning congressional redistricting will be included in the official record.

MR. SPEAKER: That testimony is part of a permanent record in front of the house that was given before that exact same committee, Mr. Naishtat.

NAISHTAT: Thank you very much.

**REMARKS ORDERED PRINTED**

Representative Naishtat moved to print remarks between Speaker Craddick and Representative Naishtat.

The motion prevailed without objection.

**HOUSE NOTIFIED**

A committee from the senate was announced at the door of the house and, being admitted, notified the house that the senate is organized and ready to transact business.

**PROVIDING FOR ADJOURNMENT**

Representative Edwards moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Thursday, July 3 in memory of the Honorable Mack Wallace.

The motion prevailed without objection.

(Chisum in the chair)

**BILLS AND JOINT RESOLUTIONS ON FIRST READING  
AND REFERRAL TO COMMITTEES  
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

**ADJOURNMENT**

In accordance with a previous motion, the house, at 11:49 a.m., adjourned until 10 a.m. Thursday, July 3.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 1** (By Hopson), Relating to the creation, administration, powers, duties, operation, and financing of the Houston County Groundwater Conservation District.

To Natural Resources.

**HB 2** (By Hochberg), Relating to the program to study the use of credits for textbooks.

To Public Education.

**HB 3** (By Crabb), Relating to the composition of the districts for the election of members of the United States House of Representatives from the State of Texas.

To Redistricting.

**List No. 2**

**HB 4** (By Morrison), Relating to automatic admission to an institution of higher education.

To Higher Education.

**HB 5** (By McCall), Relating to making an appropriation for the purpose of returning to a fund outside of the state treasury cash that was transferred from the fund to the general revenue fund.

To Appropriations.

**HB 6** (By Farabee), Relating to the purchase by certain local governments of an item from a local vendor.

To County Affairs.

**HB 7** (By Rose), Relating to the creation, administration, powers, duties, operation, and financing of the Ranch at Clear Fork Creek Municipal Utility District No. 1; granting the authority to impose taxes and issue bonds; granting the power of eminent domain.

To Natural Resources.

**HB 8** (By Krusee), Relating to the regulation of motor vehicle sales and the powers and duties of the Motor Vehicle Board of the Texas Department of Transportation.

To Transportation.

**HB 9** (By Heflin), Relating to appropriating the fees relating to the licensing and regulation of certain electricians collected by the Texas Department of Licensing and Regulation or the Texas Commission of Licensing and Regulation under **HB 1487**, Acts of the 78th Legislature, Regular Session, 2003.

To Appropriations.

**HB 10** (By Heflin), Relating to making an appropriation to The University of Texas Health Science Center at San Antonio for the purpose of supporting the Regional Academic Health Center.

To Appropriations.

**HB 11** (By Heflin), Relating to appropriating the amounts deposited to the credit of the dry cleaning facility release fund created by **HB 1366**, Acts of the 78th Legislature, Regular Session, 2003, to the Texas Commission on Environmental Quality.

To Appropriations.

**HB 12** (By Heflin), Relating to appropriating the fees collected by the Texas Animal Health Commission under **HB 2328**, Acts of the 78th Legislature, Regular Session, 2003.

To Appropriations.

**HB 13** (By Heflin), Relating to making an appropriation to the Texas Tech University Health Sciences Center for the purpose of attaining accreditation of a four-year medical school in El Paso.

To Appropriations.

**HB 14** (By McCall), Relating to collection and use of information in connection with licensing regarding a retail installment transaction involving a motor vehicle.

To Financial Institutions.

**HB 15** (By T. Smith), Relating to the transfer of the powers and duties of the comptroller of public accounts relating to state administration of the property tax system to the State Board on Property Valuation or the commissioner of the State Board on Property Valuation, as applicable.

To Government Reform.

**HB 16** (By Denny), Relating to the dates of certain elections, the procedures for canvassing the ballots for an election, and the counting of certain ballots voted by mail.

To Elections.

**HB 17** (By McClendon), Relating to the punishment for a capital offense.  
To Criminal Jurisprudence.

**HB 18** (By Keel), Relating to the applicability of the death penalty to a capital offense committed by a person with mental retardation.

To Criminal Jurisprudence.

**HB 19** (By Keel), Relating to the appointment of counsel for an indigent applicant for a writ of habeas corpus in a capital case.

To Criminal Jurisprudence.

**HB 20** (By Keel), Relating to the governing bodies, officers, and executive directors of certain state entities.

To Government Reform.

**HB 21** (By Chisum), Relating to efficiency in certain procedures and hearings of the Texas Commission on Environmental Quality.

To Environmental Regulation.

**HB 22** (By Swinford), Relating to the abolition or oversight of certain state or regional entities.

To Government Reform.

**HB 23** (By Swinford), Relating to budgetary and other fiscal management matters affecting state government or certain regional entities.

To Government Reform.

**HB 24** (By Swinford), Relating to the organization and operations of, and fiscal matters affecting, certain state entities.

To Government Reform.

**HB 25** (By Swinford), Relating to various information, meetings, and operations of certain state entities.

To Government Reform.

**HB 26** (By Naishtat), Relating to an increase in the cigarette tax and to the use of that increase for certain health and human services programs.

To Ways and Means.

**HCR 1** (By McClendon), Congratulating the San Antonio Spurs on winning the 2003 NBA Championship.

To Rules and Resolutions.

**HR 2** (By Bonnen), Honoring Linda Holt on her retirement as director of Central Emergency Medical Services in West Columbia.

To Rules and Resolutions.

**HR 3** (By Turner), BE IT RESOLVED by the House of Representatives of the 78th Texas Legislature, 1st Called Session, That the speaker appoint two committees, one to notify the governor and one to notify the senate that the House of Representatives is now organized and prepared to transact business.

To Rules and Resolutions.